

## PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231.

Dec 17, 1998  
Date

David D. McMasteres  
David D. McMasteres

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Margaret E. Black  
Application No. : 09/173,463  
Filed : October 14, 1998  
For : THYMIDINE KINASE MUTANTS AND FUSION PROTEINS  
HAVING THYMIDINE KINASE AND GUANYLATE KINASE  
ACTIVITIES  
Docket No. : 240052.429  
Date : December 17, 1998

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts dated November 4, 1998, please find enclosed a Declaration, Election and Power of Attorney, Form PTO-1533, and a Verified Statement Claiming Small Entity Status for the above-identified application.

Also enclosed is a General Authorization under 37 C.F.R. § 1.136(a)(3).

Also enclosed is a check in the amount of \$1,498 for the requisite fees. The fees have been calculated in accordance with applicant's small entity status as follows:

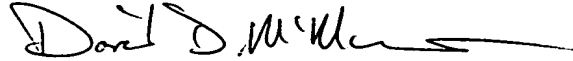
Basic Fee	\$ 380
Total Claims (85, 65 extra)	585
Independent Claims (15, 12 extra)	468
Missing Parts Surcharge	65
TOTAL	<u>\$ 1,498</u>

The Assistant Commissioner is hereby authorized to charge any additional filing fees or to credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this response is enclosed.

Respectfully submitted,

Margaret E. Black

SEED and BERRY LLP



David D. McMasters

Registration No. 33,963

DDM:mas

Enclosures:

Postcard

Check for \$1,498

Copy of this Response

Declaration

Election and Power of Attorney

Copy of Assignment

Verified Statement Claiming Small Entity Status

Copy of Form PTO-1533

General Authorization Under 37 C.F.R. § 1.136(a)(3)

6300 Columbia Center  
701 Fifth Avenue  
Seattle, Washington 98104-7092  
(206) 622-4900  
Fax: (206) 682-6031



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Margaret E. Black  
Application No. : 09/173,463  
Filed : October 14, 1998  
For : THYMIDINE KINASE MUTANTS AND FUSION PROTEINS  
HAVING THYMIDINE KINASE AND GUANYLATE KINASE  
ACTIVITIES

Art Unit : 1635  
Docket No. : 240052.429  
Date : December 16, 1998

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

GENERAL AUTHORIZATION UNDER 37 C.F.R. § 1.136(a)(3)

Sir:

With respect to the above-identified application, the Assistant Commissioner is authorized to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a)(3) for its timely submission as incorporating a petition therefor for the appropriate length of time. The Assistant Commissioner is also authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-1090.

Respectfully submitted,

Margaret E. Black

SEED and BERRY LLP

David D. McMasters  
Registration No. 33,963

DDM:mas

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6300 Columbia Center  
701 Fifth Avenue  
Seattle, Washington 98104-7092  
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FAX: (206) 682-6031



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/173,463	10/14/98	BLACK	M 240052:429

DAVID D MCMASTERS  
SEED AND BERRY  
6300 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE WA 98104-7092

NOT ASSIGNED  
miss. parts  
Jan. 4, 1999  
1635  
DATE MAILED: 11/04/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 2910 -

- ☒ 1. The statutory basic filing fee is:
- ☐ missing.
  - ☐ insufficient.
- Applicant must submit \$ 790 - to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☒ 2. Additional claim fees of \$ 1990 - including any multiple dependent claim fees, are required.
- \$ 246 - for 3 independent claims over 3.
  - \$ 1474 - for 67 dependent claims over 20.
  - \$ 270 - for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:
- ☐ is missing or unexecuted.
  - ☐ does not cover the newly submitted items.
  - ☐ does not identify the application to which it applies.
  - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☒ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

9/1998 CH0048 00000006 191090 0917463  
65.00  
492.00  
715.00  
256.00  
169.00 CH  
C:205  
C:202  
C:203  
C:201